

DATE: JANUARY 19, 2022

FROM: EXECUTIVE OFFICE

SUBJECT: RESOLUTION NO. _____ - APPROVAL OF HARBOR COMMUNITY BENEFIT FOUNDATION'S HEALTHY HARBOR COMMUNITIES INITIATIVE GRANT PROGRAM ROUND 2 AND THE TRANSFER OF PORT COMMUNITY MITIGATION TRUST FUNDS

SUMMARY:

Staff requests that the Board of Harbor Commissioners (Board) approve the Harbor Community Benefit Foundation's (HCBF) selection of four projects to receive awards from the Healthy Harbor Communities Initiative Grant Program and transfer \$400,000 from the Port Community Mitigation Trust Fund (PCMTF) to HCBF. The PCMTF was established by the City of Los Angeles Harbor Department (Harbor Department) for the purpose of funding appropriate mitigation projects and grants addressing port-related impacts for the communities of San Pedro and Wilmington. The HCBF, an independent nonprofit organization established to operate the PCMTF, is responsible for identifying qualifying projects to receive grant funding from the PCMTF to be approved by the Board of Harbor Commissioners.

The HCBF Board of Directors has confirmed its selection of four projects to receive funding for the Healthy Harbor Communities Grant Program, and is requesting Board approval of the award recipients and transfer of funds from the PCMTF, in accordance with the requirements of the TraPac Memorandum of Understanding (MOU) and Operating Agreement of the TraPac MOU (Operating Agreement). The proposed projects have a Tidelands nexus and will address the Port of Los Angeles' (Port) impact on the local environment in Wilmington and San Pedro. Upon approval, \$400,000 will be transferred from the PCMTF to HCBF for four grant awards. Upon the transfer of funds from the PCMTF to HCBF, HCBF will be financially responsible for the disbursement of funds to grantees in accordance with the TraPac MOU, Operating Agreement and the Grant Agreements. The Harbor Department funded the original PCMTF, and no additional payments from the Harbor Department will be required to fund this request.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;

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2. Approve Harbor Community Benefit Foundation's selection of four projects to receive awards from the Healthy Harbor Communities Grant Program, funded by the Port Community Mitigation Trust Fund;
3. Authorize the Executive Director or his designee to execute a joint letter with the Harbor Community Benefit Foundation to approve the distribution of funds in one lump sum payment of \$400,000 from J.P. Morgan Private Bank to the Harbor Community Benefit Foundation to be used in accordance with Harbor Community Benefit Foundation's request; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background/Context - On April 3, 2008, the Board approved an MOU between the Harbor Department and certain organizations and individuals (TraPac Appellants) to resolve an appeal of the certification of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the TraPac Container Terminal Project (TraPac) to the Los Angeles City Council. The TraPac MOU provides for resolution of the EIR/EIS appeals and creation of the PCMTF designated for mitigation projects that mitigate impacts from port and port-related operations and are consistent with the Tidelands Trust and the TraPac MOU. In addition, the MOU required the creation of a nonprofit entity, the HCBF, to operate the PCMTF and oversee the grant selection and grant-making process in accordance with the TraPac MOU.

On October 26, 2010, the Board approved the Operating Agreement of the TraPac MOU, among the Harbor Department, TraPac Appellants, and the HCBF. The Operating Agreement provides specific details regarding the PCMTF and the role and responsibilities of the nonprofit entity and the bylaws which govern it. The terms of the Operating Agreement will remain in effect as long as there is a balance in the PCMTF. As of September 30, 2021, the balance of the PCMTF was \$969,408.

Use of the PCMTF by the HCBF is subject to rules, restrictions, compliance, and monitoring imposed by the MOU, Operating Agreement, and Tidelands Trust Doctrine. The approval of PCMTF-funded projects and transfer of funds from the PCMTF to the HCBF is subject to review and approval by the Board as well as approval as to form and legality by the Office of the City Attorney.

HCBF Role and Responsibilities - HCBF is an independent legal entity that serves as the neutral, third-party to administer the PCMTF and solicit, develop, and select projects for grant funding. HCBF must request that the Board approve the selected projects and approve a transfer of funds from the PCMTF to fund grant awards. HCBF must provide for each project recommended for approval "a Project-specific Tidelands nexus analysis that includes a description of the Port and Port-related operations to be mitigated and an

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analysis of how the recommended mitigation measure will address, reduce or eliminate such impacts...[and] how the recommended mitigation measure is reasonable and appropriate for an impact.” (Operating Agreement p. 6, Section 5.B.iv.) Additionally, HCBF must report on progress of previously approved grant funded projects and the balance of the PCMTF with all requests for PCMTF funding. Moreover, HCBF will remain the nonprofit organization to administer the PCMTF until the fund is completely spent, or HCBF is dissolved, or all parties agree to terminate the Operating Agreement or the PCMTF.

Since its inception, HCBF has completed an Off-Port Impact Land Use Study, a Noise Assessment in Wilmington (Phase I of the Noise Mitigation Program), and launched three competitive grant programs: Community Benefit Grants, Healthy Harbor Grants, and Harbor Schools STEAM Initiative Grants. To date, HCBF has distributed \$6,836,476 in grants to fund projects and studies designed to address Port impacts on aesthetics, air quality, biological resources, cultural resources, health risks and land use for San Pedro and Wilmington.

Healthy Harbor Grant Programs – Since 2011, the HCBF has awarded, and this Board has approved, the following Healthy Harbor grants totaling \$1,868,000:

Round 1, July 19, 2012 – 4 projects for \$350,000

Round 2, June 6, 2013 – 6 projects for \$450,000

Round 3, March 6, 2014 – 9 projects for \$550,000

Round 4, April 23, 2015 – 7 projects for \$518,000

Healthy Harbor Communities Initiative Grant Program - In 2020, the HCBF added the word “Communities Initiative” to the Healthy Harbor Grants to create the Healthy Harbor Communities Initiative Grants. The purpose being to ensure the communities of Wilmington and San Pedro have access to healthcare in a time of greater need and as part of a strategy to work more collaboratively with these communities. In August 2020, Round 1 grants in the amount of \$209,831 were awarded and approved by the Board.

For Round 2, while still seeking projects with the aim of mitigating the public health related impacts on the communities of Wilmington and San Pedro due to port-related operations, this round was developed in collaboration with the TraPac Appellants and required that proposed projects align with the stated priorities of the Appellants and meet the following eligibility criteria:

1. Reducing the community or health impacts of port-related pollution.
2. Equity-focused strategies serving Wilmington and San Pedro residents most impacted by port-related activities.
3. Ensure that resources serve the most impacted communities in Wilmington & San Pedro.
4. Demonstrate long-term benefits to the disadvantaged communities of Wilmington & San Pedro.

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5. Support organizations in Wilmington or San Pedro.

HCBF announced Round 2 in July 2021 with the release of a Request for Proposals. A total of 13 proposals were received and considered, with a total requested amount of \$1,381,823. HCBF Staff determined responsiveness to the RFP and considered and evaluated project descriptions, workplan, budget, qualifications, and assessed the applications based on completeness, relevance to port nexus, potential community benefit, feasibility, and other factors. The committee reviewed all submissions and Staff's recommendations and four applicants were selected to receive grants for a total of \$400,000.

Applicant	Recommended	Community Served	Program
1. Wilmington Community of Schools	\$250,000	Wilmington and San Pedro	Establish a health care clinic/wellness center located on the Wilmington Middle School campus to provide asthma screenings and other health and wellness resources.
2. LA Walks	\$50,000	Wilmington and San Pedro	Conduct a series of trainings to prepare community members to gather data on the impact of truck traffic through the community.
3. South Bay Center for Counseling	\$50,000	Wilmington	Increasing access to green spaces by further developing urban farms and tree planting in Wilmington. Green spaces reduce the particulate matter in the air.
4. Wilmington Community Clinic	\$50,000	Wilmington and San Pedro	Funds will provide support for WCC's ongoing asthma management program, which will provide treatment to those who suffer from asthma due to air pollution.
TOTAL	\$400,000		

The recommended Healthy Harbor Communities Initiative Grant projects conform to requirements of the TraPac MOU and Operating Agreement and Tidelands Trust. The four proposals have been selected to receive PCMTF funding based on identification of impacts from Port or Port-related operations, the ability of the proposal to mitigate the identified impact, technical feasibility, cost-effectiveness, organizational capacity to complete the project, and the benefits the project proposal would provide within the communities of Wilmington and/or San Pedro, as explained in detail in the HCBF's October 28, 2021 Memorandum to the Harbor Department (Transmittal 1).

PCMTF Disbursement of Funds – Upon Board approval, a single transfer from the PCMTF to HCBF in the amount of \$400,000 will be authorized by the Harbor Department's authorized signatory. Contracts for approved projects and all other PCMTF expenditures are to be executed solely between the Nonprofit and its vendors or grantees.

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Factors to be Considered by the Board of Harbor Commissioners - The Operating Agreement of the TraPac MOU sets forth the relationship between the HCBF and the Board. The Board remains the trustee of the Tidelands assets at issue, the funds in the PCMTF, and must exercise "its independent judgment to determine that [proposed HCBF] projects mitigate a direct or indirect impact from Port or Port-related operations and are consistent with the Tidelands Trust and the [TraPac] MOU." (Operating Agreement, Section 5.A)

In accordance with Section 5.C of the Operating Agreement, the Board shall consider the following factors in voting on an HCBF requested project:

- a) consistency with the TraPac MOU and the Tidelands Trust;
- b) whether the identified impact is attributable to Port or Port-related operations;
- c) whether the proposed project reasonably and appropriately mitigates, addresses, reduces, or eliminates the identified impact;
- d) that the budget and schedule for funding draw-downs from the PCMTF is appropriate for the type of project; and
- e) the substantial form of contracts which the Nonprofit proposes to enter into if the project is approved.

The Board may not arbitrarily or unreasonably decline to fund a project. Should the Board decline to fund a project recommended by the HCBF, it shall provide written findings relating to the reasons for the rejection based on the factors above.

Staff has reviewed the request submitted by the HCBF and recommends the Board's approval of the proposed four Healthy Harbor Communities Initiative Grants based on these factors.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of HCBF's Health Harbor Communities Initiative Grant Program projects and the transfer of funds to the PCMTF, which is an administrative activity. This action is limited to the administrative approval for the distribution of funds. Individual projects implemented with the use of funding will be subject to separate environmental review by the lead agency with jurisdiction over the project. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The Harbor Department originally funded the PCMTF under the terms of the TraPac MOU. Approval of the Healthy Harbor Communities Initiative Grant Program projects will allow a draw-down of funds from the PCMTF with no requirement of the Harbor Department to provide any additional funding. The Harbor Department has made the

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required contributions to the PCMTF for all eligible projects. As of September 30, 2021, the PCMTF balance, managed by J.P. Morgan Private Bank, was \$969,408. Upon Board approval of the Healthy Harbor Communities Initiative Grant Program, a lump sum of \$400,000 will be transferred from the PCMTF to HCBF, and the new PCMTF balance will be \$569,408.

Including this proposed disbursement, HCBF has allocated a total of \$7,236,476 to grantees and contractors in combined HCBF-administered program funds. Upon the transfer of funds, HCBF will be financially responsible for the disbursement of funds to grantees in accordance with the TraPac MOU, Operating Agreement and the Grant Agreements.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the requested transfer of funds from the PCMTF as to form and legality including compliance with the TraPac MOU and Operating Agreement.

TRANSMITTAL:

1. HCBF Healthy Harbor Communities Initiative Grant Program Memo

FIS Approval: MB

CA Approval: SO

APPROVED:

Marla Bleavins For

EUGENE D. SEROKA
Executive Director

Author: T. Adams Lopez